UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23302
20 December 1991

ORIGINAL: ENGLISH

LETTER DATED 20 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to attach a statement issued by the Ministry of Foreign Affairs of Malta on the situation in Yugoslavia. I should be grateful if you would circulate this statement as a document of the Security Council.

(Signed) Victor CAMILLERI
Ambassador
Permanent Representative

Annex

Statement issued on 19 December 1991 by the Ministry of Foreign Affairs of Malta on the situation in Yugoslavia

The Government of Malta has already expressed its concern at the situation in Yugoslavia and has followed closely events whereby certain republics in Yugoslavia have exercised their right to self-determination leading to their sovereignty and independence.

It has also seen the European Community's declaration on Yugoslavia and its guidelines on the recognition of new states in Eastern Europe and in the Soviet Union. The Government of Malta concurs with the common position adopted on the process of recognition of these new states which require:

- respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;

- guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;

- respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;

- acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;

- commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning State successions and regional disputes.

The Community's declaration also stated that it will not recognize entities which are the result of aggression.

The commitment on the part of Yugoslav republics to these principles opens the way to recognition by the Government of Malta and the establishment of diplomatic relations.

UNITED
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Security Council

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GENERAL

S/23303
20 December 1991
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 20 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I wish to inform you as follows:

At 1445 hours local time on 2 December 1991, a Kuwaiti land force patrol arrested 12 Iraqi infiltrators after they crossed the border in the area between Makhfar al-Ratqah and Makhfar al-Jabal in the demilitarized zone. During the interrogation, it has become clear that they belong to the 1st Regiment, 2nd Border Brigade, formerly called 111th Brigade, 26th Division, VII Army Corps, and that most of the officers and men of the brigade are from the Iraqi army. These infiltrators are an officer holding the rank of captain, five commissars, a sergeant, two corporals and three policemen.

On 7 December 1991, all 12 military infiltrators were returned to Iraq under the auspices of the International Committee of the Red Cross.

As we said in our previous letter (S/23210), the responsibility of the Iraqi regime for repeated incidents of infiltration into Kuwaiti territory cannot be ignored. These incidents are a proof of Iraq's intransigence and its flouting of Security Council resolutions.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

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Security Council

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GENERAL

S/23304
20 December 1991

ORIGINAL: ENGLISH

LETTER DATED 20 DECEMBER 1991 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I should like to state the following:

1. Kuwait has placed on record its strong protest against the continued presence of five Iraqi police posts inside Kuwaiti territory. Details on the matter are contained in my letter of 2 December 1991 (S/23260).

2. The Iraqi representative in his letter of 17 December 1991 (S/23290) misrepresents the facts contained both in my aforementioned letter and those contained in the report of the Secretary-General on UNIKOM (S/23106).

3. I have stated earlier that the five police posts were established by Iraq, just before its invasion of Kuwait on 2 August 1990, precisely, in June and July 1990. What is at issue is not necessarily the date of their establishment but the blatant admission of Iraq that these five posts are in their current positions, inside Kuwaiti territory.

4. In his report on UNIKOM (S/23106) the Secretary-General stated that "the continued presence of Iraqi police posts on the Kuwaiti side of the line shown on UNIKOM's map remains a matter of concern. I have instructed the Chief Military Observer of UNIKOM to persevere in his efforts to have these police posts pulled back behind the line." In spite of UNIKOM's efforts, Iraq persists on maintaining the posts informing Major-General Greindl that they would not be pulled back because of the political implications (S/23106/Add.2).

5. It is ironical that Iraq shows an interest in the principle of "reasonable distance" laid down by UNIKOM. In addition to maintaining the five police posts inside Kuwaiti territory, it is Iraq that refuses to abide at this stage by the principle of "reasonable distance". In his report on UNIKOM (S/23106), the Secretary-General states that "... Iraq has deployed four border police centres and 10 border police posts in the DMZ. Five of the posts are on the Kuwaiti side of the boundary line shown on the UNIKOM map; two are closer to it than 1,000 metres, on the Iraqi side. Lengthy and intensive efforts have been made at United Nations Headquarters as well as in the field to persuade Iraq to move the seven posts further back. ... The Iraqi

authorities have assured UNIKOM that Iraq will comply with the reasonable distance principle, once the boundary is demarcated." (Emphasis added.)

6. Kuwait has indicated to UNIKOM its willingness to comply with the "reasonable distance" principle if the Iraqi side does so as well. However, even in the absence of Iraq's compliance with the principle, Kuwait consistently coordinates with UNIKOM about the locations of Kuwaiti police posts.

7. At no point did Kuwait admit that the locations of all the police posts would be settled by the Boundary Demarcation Commission. Such an allegation by the Iraqi representative is self-illusory. In my letter of 2 December 1991, I stated that the Kuwaiti Government demands the immediate dismantling of the five Iraqi police posts.

The continued presence of Iraqi police posts inside the territory of Kuwait, is essentially a violation by Iraq of the sovereignty and territorial integrity of Kuwait. In addition, the obstinate refusal by Iraq to dismantle these posts contradicts its declaratory commitment to cooperate with UNIKOM. Iraq's position cannot be described as being conducive to the successful discharge of UNIKOM's mandate, or as being in full compliance with Security Council resolutions.

I should appreciate it if you would bring this letter to the immediate attention of the members of the Security Council and to arrange for its circulation as a document of the Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative

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Security Council

Distr.
GENERAL

S/23305
20 December 1991

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 20 December 1991, the President of the Security Council made the following statement to the media on behalf of the members in connection with the item entitled "The situation between Iraq and Kuwait":

"The members of the Security Council held informal consultations on 6 December 1991 pursuant to paragraph 28 of resolution 687 (1991), paragraph 6 of resolution 700 (1991) and paragraph 21 of resolution 687 (1991). After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraphs 22, 23, 24 and 25, as referred to in paragraph 28 of resolution 687 (1991), in paragraph 6 of resolution 700 (1991), and in paragraph 20, as referred to in paragraph 21 of resolution 687 (1991).

"However, with a view to alleviating the humanitarian conditions for the civilian population in Iraq and in order to facilitate the utilization of paragraph 20 of resolution 687 (1991), the 661 Committee is requested to study immediately those materials and supplies for essential civilian and humanitarian needs as identified in the Ahtisaari report (S/22409) with the purpose of drawing up a list of items which may, with the approval of the Security Council, be transferred from the 'no-objection' procedure to a simple notification procedure. Members of the Council may submit proposals of items for this purpose.

"With regard to imports of items subject to prior approval under the 'no-objection' procedure by the Security Council Committee established by resolution 661 (1990) (i.e. items other than food and medicine), any member of the Committee putting forward an objection to such an import will offer a specific explanation at a meeting of the Committee.

"The members of the Council are aware of reports received concerning the approximately 2,000 Kuwaitis believed to be still detained in Iraq, access by the ICRC to all detainees and places of detention, the return

of Kuwaiti property, and particularly the return of Kuwaiti military equipment and their bearing upon the present state of Iraqi compliance with resolution 687 (1991).

"In light of the above, the Security Council will request the Secretary-General to prepare a factual report on Iraq's compliance with all the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions. This report will be made available to the Security Council in good time before the Council undertakes its next review under paragraph 21 of resolution 687 (1991).

"In the course of consultations it was noted that resolutions 706 (1991) and 712 (1991) gave to Iraq the possibility for oil sales to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief. However, this possibility has not yet been used."

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General Assembly Security Council

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A/46/825
S/23306
20 December 1991
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a communiqué from the Presidency of the French Republic and the Ministry of Foreign Affairs concerning the judicial inquiry conducted on the attack on the UTA DC-10 of 19 September 1989.

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) Jean-Bernard MERIMEE

ANNEX

Communiqué from the Presidency of the French Republic
and the Ministry of Foreign Affairs

The judicial inquiry conducted with regard to the attack on the UTA DC-10, which resulted in 171 deaths on 19 September 1989 places heavy presumptions of guilt for this odious crime on several Libyan nationals.

Accordingly, following the summoning of the Ambassador of Libya to France by the Minister of State, Minister for Foreign Affairs, the French Government reiterates its demand that the Libyan authorities cooperate immediately, effectively and by all possible means with French justice in order to help to establish responsibility for this terrorist act.

To that end, France calls upon Libya:

- To produce all the material evidence in its possession and to facilitate access to all documents that might be useful for establishing the truth.

- To facilitate the necessary contacts and meetings, inter alia, for the assembly of witnesses.

- To authorize the responsible Libyan officials to respond to any request made by the examining magistrate responsible for judicial information.

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General Assembly Security Council

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GENERAL

A/46/825*
S/23306*
31 December 1991
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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

SECURITY COUNCIL
Forty-sixth year

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* This communication is reissued at the request of the Permanent Mission of France to the United Nations.

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General Assembly Security Council

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A/46/826
S/23307
20 December 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to enclose:

(a) The text of the statement made by the Lord Advocate of Scotland on 14 November 1991 relating to the investigation into the destruction of a Pan Am airliner over Scotland on 21 December 1988 with the loss of 270 lives (annex I);

(b) The text of the Foreign Secretary's statement on the matter in the British Houses of Parliament on 14 November 1991 (annex II);

(c) The text of a statement issued by the British Government on 27 November 1991 (annex III).

I should be grateful if you would have this letter and its enclosures circulated as a document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) D. H. A. HANNAY

ANNEX

Announcement by the Lord Advocate of Scotland on 14 November 1991

The Lockerbie investigation has now been in progress for almost three years. In the recent months the Lockerbie investigation team headed by the Chief Constable of Dumfries and Galloway Mr. George Esson and the Senior Investigating Officer Chief Superintendent Stuart Henderson have been reporting to the Procurator Fiscal on the results of the investigation.

In consultation with the United States Attorney General I have concluded there is sufficient evidence to justify application to the Court for warrants for the arrest of named individuals. I instructed the Procurator Fiscal at Dumfries to make the necessary application to the Sheriff and yesterday Mr. MacDougall obtained from him the grant of warrants for the arrest of two Libyan nationals on charges of conspiracy, murder and contravention of the Aviation Security Act 1982.

The two accused are Abdelbaset Ali Mohmed Al Megrahi and Al Amin Khalifa Fhimah.

It is alleged that Megrahi is a senior officer of the Libyan Intelligence Services, holding positions with Libyan Arab Airlines and as Director of the Centre for Strategic Studies in Tripoli at the time of these offences.

It is alleged that Fhimah was also an officer of the Libyan Intelligence Services, holding a position as Station Officer with Libyan Arab Airlines in Malta.

The first charge in the petition is that between 1 January 1985 and 21 December 1988 at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli, Libya, at a special forces training area, Sabha, Libya, at the premises occupied by the firm Mebo Ag at the Novapark Hotel, Zurich, Switzerland, at the Holiday Inn and the Libyan Cultural Centre, both in Sliema, Malta, at the house occupied by Fhimah at 3 St. John's Flat, Mosta, Malta, at Luqa Airport, Malta, and at the Libyan People's Bureau, East Berlin, German Democratic Republic, and elsewhere in Libya, Malta, Switzerland, Czechoslovakia and the German Democratic Republic.

Being members of the Libyan Intelligence Services, and in particular Megrahi being the Head of Security of Libyan Arab Airlines and thereafter Director of the Centre for Strategic Studies, Tripoli, Libya and Fhimah being the Station Manager of Libyan Arab Airlines in Malta.

Did conspire together and with others to further the purposes of the Libyan Intelligence Services by criminal means, namely the commission of acts of terrorism directed against nationals and the interests of other countries and in particular the destruction of a civil passenger aircraft and murder of its occupants.

/...

And, in pursuance of the conspiracy, while acting in concert together and with others

(a) Between 1 January 1985 and 31 December 1985, at the premises occupied by Mebo Ag, in Zurich, at the premises of the Libyan Intelligence Services, in Tripoli, at the Libyan People's Bureau, East Berlin and elsewhere, they did order, cause to be manufactured and obtain from the firm of Mebo Ag twenty electronic timers capable of detonating explosive devices;

(b) Between 1 January 1985 and 31 July 1986 at the special forces training area at Sabha, Libya, they did cause the effectiveness of such timers to be tested in conjunction with explosives;

(c) Between 20 March 1986 and 31 December 1988, within the offices of Libyan Arab Airlines at Luqa Airport, Malta, and at the said Libyan Cultural Centre, Sliema, and elsewhere in Malta they did have in their possession and under their control a quantity of high performance plastic explosive;

(d) Between 31 July 1987 and 21 December 1988, within the premises occupied by Mebo Ag, in Zurich they did establish and maintain a pretended business under the name Abh as a cover for the operations of the Libyan Intelligence Services;

(e) On 20 February 1988 at Dakar Airport, Senegal, they did cause one of these timers, together with other components of an improvised explosive device, including a quantity of high performance plastic explosive and a firearm and ammunition, to be introduced into Senegal for terrorist purposes;

(f) Between 1 September 1988 and 21 December 1988, at Eucharistic Congress Road, Malta, they did establish and maintain a pretended business to be known as and under the name of Med Tours or Medtours Services Limited, as a cover for the operations of the Libyan Intelligence Services;

(g) Between 1 and 20 December 1988, at the premises occupied by Mebo Ag, in Zurich at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli and elsewhere in Switzerland and Libya they did order and attempt to obtain delivery of forty further such timers from the firm of Mebo Ag;

(h) Between 1 and 21 December 1988, at Luqa Airport, Malta, or elsewhere in Malta they did unlawfully acquire airline luggage tags;

(i) On 7 December 1988 in the shop premises known as Mary's House at Tower Road, Sliema, Malta, they did purchase a quantity of clothing and an umbrella;

(j) On 20 December 1988 at Luqa Airport, Malta, Megrahi did enter Malta using a passport in the false name of Ahmed Khalifa Abdusamad and they did cause a suitcase to be introduced to Malta;

(k) On 20 and 21 December 1988 Megrahi did reside at the Holiday Inn, Sliema, Malta, under the false identity of Ahmed Khalifa Abdusamad; and

(l) On 21 December 1988 at Luqa Airport, they did place or cause to be placed on board an aircraft of Air Malta Flight KM180 to Frankfurt Am Main Airport, Federal Republic of Germany, the suitcase or a similar suitcase containing clothing and umbrella and an improvised explosive device containing high performance plastic explosive concealed with a radio cassette recorder and programmed to be detonated by one of the electronic timers, having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt Am Main via London, Heathrow Airport to New York, John F. Kennedy Airport.

And such suitcase was thus carried to Frankfurt Am Main Airport and there placed on board an aircraft of Pan American World Airways Flight PA103A and carried to London, Heathrow Airport and there, in turn, placed on board an aircraft of Pan American World Airways Flight PA103 to New York, John F. Kennedy Airport.

And the improvised explosive device detonated and exploded on board the aircraft flight PA103 while in flight near to Lockerbie, whereby the aircraft was destroyed and the wreckage crashed to the ground and the 259 passengers and crew and 11 residents of Lockerbie hereof were killed and they did murder them.

The second alternative charge is one of murder on a more restricted basis.

The third alternative charge is that being members of the Libyan Intelligence Services and having, while acting in concert with others, formed a criminal purpose to destroy a civil passenger aircraft and murder the occupants and having obtained possession of and tested the effectiveness of electronic timers and being in possession of and having under their control a quantity of high performance plastic explosive, they did on and between the dates and at the places and by the means stated in the second charge unlawfully and intentionally destroy the aircraft in service and commit on board the aircraft in flight acts of violence which were likely to and did endanger the safety of the aircraft, in respect that they did murder those 270 persons: contrary to the Aviation Security Act 1982, Section 2(1) and (5).

Both accused are believed to be in Libya. The warrants will be circulated through Interpol but it is considered unlikely that they will be arrested in the normal way. A demand is being made to Libya for the surrender of these men for trial.

A simultaneous announcement is being made in Washington by Attorney General Barr following on the handing down of an indictment by a Grand Jury in Washington. The terms of the United States indictment and the Scottish petition have been drawn up in full consultation. Differences between the indictment and petition are explained by differences in our legal systems and procedures and I would wish to make it clear that we are in full agreement on

the allegations made. The charges are essentially identical and are in respect of the same two accused persons.

This does not mark the end of the police investigation, although it plainly marks the most important public development to date in this unique criminal inquiry. I would wish to pay tribute to the outstanding work and ongoing commitment shown by many police officers and agencies not only in this country but throughout the world in their determined efforts to solve this crime.

I would wish to make particular mention of the extraordinary work done by forensic scientists and other specialists.

I remain committed to bring this matter to a proper conclusion in a Court of Law whether it is to be in this country or in the United States.

I must remind the media that for the purposes of the Contempt of Court Act 1981 proceedings became active when Sheriff Barr granted warrants for arrest. The Chief Constable and I cannot and will not comment on the evidence on which these charges are based.

ANNEX II

Statement by the Foreign Secretary, The Rt. Hon. Douglas Hurd, in the House of Commons, 14 November 1991

Mr. Speaker,

With permission, I should like to make a statement about the conclusion of the Lockerbie investigation and its implications.

My noble and learned friend the Lord Advocate has today announced the issue of warrants for the arrest of two Libyan Intelligence Officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am Flight 103 on 21 December 1988. The American authorities have taken similar action.

270 people were killed at Lockerbie, 66 of them British. The relatives and friends of these victims have suffered and continue to suffer great pain and sorrow. The House will be thinking of them today.

Mr. Speaker, as the Lord Advocate has said a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government. I know the House will unreservedly endorse it.

The accusations levelled at Libyan officials are of the gravest possible kind. As the warrants which the Lord Advocate will be making public make clear, the charges allege that the individuals acted as part of a conspiracy to further the purposes of the Libyan Intelligence Services by criminal means, and that those means were acts of terrorism. This was a mass murder, which is alleged to involve the organs of government of a State. Libyan officials have been accused of this crime not only in Scotland and America but also in France where arrest warrants were issued on 30 October over the destruction of Flight UTA 772 in September 1989. We are consulting the United States and other friendly governments, many of whom lost nationals in Flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries. This matter does not therefore affect our relations with other countries in the region.

Let me pay tribute to all of those whose untiring work under the direction of the Lord Advocate over almost three years has produced this remarkable outcome. In particular, I salute the work of the Dumfries and Galloway Constabulary, and all those in many parts of the world who have helped with the gathering of evidence and information. The Government is grateful for all the help given to the investigation in many countries.

We expect Libya to respond fully to our demand for the surrender of the accused. The interests of justice require no less. This fiendish act of wickedness cannot be passed over or ignored.

ANNEX III

Statement issued by the British Government on 27 November 1991

Following the issue of warrants against two Libyan officials for their involvement in the Lockerbie atrocity, the Government demanded of Libya the surrender of the two accused for trial. We have so far received no satisfactory response from the Libyan authorities.

The British and American Governments today declare that the Government of Libya must:

- Surrender for trial all those charged with the crime; and accept complete responsibility for the actions of Libyan officials.

- Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers.

- Pay appropriate compensation.

We are conveying our demands to Libya through the Italians, as our protecting power. We expect Libya to comply promptly and in full.

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31 December 1991

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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

SECURITY COUNCIL
Forty-sixth year

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And, in pursuance of the conspiracy, while acting in concert together and with others

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(b) Between 1 January 1985 and 31 July 1986 at the special forces training area at Sabha, Libya, they did cause the effectiveness of such timers to be tested in conjunction with explosives;

(c) Between 20 March 1986 and 31 December 1988, within the offices of Libyan Arab Airlines at Luqa Airport, Malta, and at the said Libyan Cultural Centre, Sliema, and elsewhere in Malta they did have in their possession and under their control a quantity of high performance plastic explosive;

(d) Between 31 July 1987 and 21 December 1988, within the premises occupied by Mebo Ag, in Zurich they did establish and maintain a pretended business under the name Abh as a cover for the operations of the Libyan Intelligence Services;

(e) On 20 February 1988 at Dakar Airport, Senegal, they did cause one of these timers, together with other components of an improvised explosive device, including a quantity of high performance plastic explosive and a firearm and ammunition, to be introduced into Senegal for terrorist purposes;

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/...

(k) On 20 and 21 December 1988 Megrahi did reside at the Holiday Inn, Sliema, Malta, under the false identity of Ahmed Khalifa Abdusamad; and

(l) On 21 December 1988 at Luqa Airport, they did place or cause to be placed on board an aircraft of Air Malta Flight KM180 to Frankfurt Am Main Airport, Federal Republic of Germany, the suitcase or a similar suitcase containing clothing and umbrella and an improvised explosive device containing high performance plastic explosive concealed with a radio cassette recorder and programmed to be detonated by one of the electronic timers, having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt Am Main via London, Heathrow Airport to New York, John F. Kennedy Airport.

And such suitcase was thus carried to Frankfurt Am Main Airport and there placed on board an aircraft of Pan American World Airways Flight PA103A and carried to London, Heathrow Airport and there, in turn, placed on board an aircraft of Pan American World Airways Flight PA103 to New York, John F. Kennedy Airport.

And the improvised explosive device detonated and exploded on board the aircraft flight PA103 while in flight near to Lockerbie, whereby the aircraft was destroyed and the wreckage crashed to the ground and the 259 passengers and crew and 11 residents of Lockerbie hereof were killed and they did murder them.

The second alternative charge is one of murder on a more restricted basis.

The third alternative charge is that being members of the Libyan Intelligence Services and having, while acting in concert with others, formed a criminal purpose to destroy a civil passenger aircraft and murder the occupants and having obtained possession of and tested the effectiveness of electronic timers and being in possession of and having under their control a quantity of high performance plastic explosive, they did on and between the dates and at the places and by the means stated in the second charge unlawfully and intentionally destroy the aircraft in service and commit on board the aircraft in flight acts of violence which were likely to and did endanger the safety of the aircraft, in respect that they did murder those 270 persons: contrary to the Aviation Security Act 1982, Section 2(1) and (5).

Both accused are believed to be in Libya. The warrants will be circulated through Interpol but it is considered unlikely that they will be arrested in the normal way. A demand is being made to Libya for the surrender of these men for trial.

A simultaneous announcement is being made in Washington by Attorney General Barr following on the handing down of an indictment by a Grand Jury in Washington. The terms of the United States indictment and the Scottish petition have been drawn up in full consultation. Differences between the indictment and petition are explained by differences in our legal systems and procedures and I would wish to make it clear that we are in full agreement on

the allegations made. The charges are essentially identical and are in respect of the same two accused persons.

This does not mark the end of the police investigation, although it plainly marks the most important public development to date in this unique criminal inquiry. I would wish to pay tribute to the outstanding work and ongoing commitment shown by many police officers and agencies not only in this country but throughout the world in their determined efforts to solve this crime.

I would wish to make particular mention of the extraordinary work done by forensic scientists and other specialists.

I remain committed to bring this matter to a proper conclusion in a Court of Law whether it is to be in this country or in the United States.

I must remind the media that for the purposes of the Contempt of Court Act 1981 proceedings became active when Sheriff Barr granted warrants for arrest. The Chief Constable and I cannot and will not comment on the evidence on which these charges are based.

ANNEX II

Statement by the Foreign Secretary, The Rt. Hon. Douglas Hurd, in the House of Commons, 14 November 1991

Mr. Speaker,

With permission, I should like to make a statement about the conclusion of the Lockerbie investigation and its implications.

My noble and learned friend the Lord Advocate has today announced the issue of warrants for the arrest of two Libyan Intelligence Officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am Flight 103 on 21 December 1988. The American authorities have taken similar action.

Two hundred seventy people were killed at Lockerbie, 66 of them British. The relatives and friends of these victims have suffered and continue to suffer great pain and sorrow. The House will be thinking of them today.

Mr. Speaker, as the Lord Advocate has said a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government. I know the House will unreservedly endorse it.

The accusations levelled at Libyan officials are of the gravest possible kind. As the warrants which the Lord Advocate will be making public make clear, the charges allege that the individuals acted as part of a conspiracy to further the purposes of the Libyan Intelligence Services by criminal means, and that those means were acts of terrorism. This was a mass murder, which is alleged to involve the organs of government of a State. Libyan officials have been accused of this crime not only in Scotland and America but also in France where arrest warrants were issued on 30 October over the destruction of Flight UTA 772 in September 1989. We are consulting the United States and other friendly governments, many of whom lost nationals in Flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries. This matter does not therefore affect our relations with other countries in the region.

Let me pay tribute to all of those whose untiring work under the direction of the Lord Advocate over almost three years has produced this remarkable outcome. In particular, I salute the work of the Dumfries and Galloway Constabulary, and all those in many parts of the world who have helped with the gathering of evidence and information. The Government is grateful for all the help given to the investigation in many countries.

We expect Libya to respond fully to our demand for the surrender of the accused. The interests of justice require no less. This fiendish act of wickedness cannot be passed over or ignored.

ANNEX III

Statement issued by the British Government on 27 November 1991

Following the issue of warrants against two Libyan officials for their involvement in the Lockerbie atrocity, the Government demanded of Libya the surrender of the two accused for trial. We have so far received no satisfactory response from the Libyan authorities.

The British and American Governments today declare that the Government of Libya must:

- Surrender for trial all those charged with the crime; and accept complete responsibility for the actions of Libyan officials.

- Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers.

- Pay appropriate compensation.

We are conveying our demands to Libya through the Italians, as our protecting power. We expect Libya to comply promptly and in full.

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General Assembly Security Council

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S/23308
20 December 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to enclose the following text:

(a) Statement of the Government of the United States regarding the bombing of Pan Am 103;

(b) Joint declaration of the United States and United Kingdom.

I should be grateful if you would have this letter and its enclosure circulated as an official document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) Thomas R. PICKERING

ANNEX

Statement issued by the Government of the United States on 27 November 1991 regarding the bombing of Pan Am 103

After the indictments were handed down on 14 November we conveyed them to the Libyan regime. We have also consulted closely with the Governments of France and the United Kingdom and in concert with those two Governments we have the following two declarations to present publicly today.

JOINT DECLARATION OF THE UNITED STATES AND UNITED KINGDOM

The British and American Governments today declare that the Government of Libya must:

- surrender for trial all those charged with the crime; and accept responsibility for the actions of Libyan officials;

- disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers;

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GENERAL ASSEMBLY
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Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

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* This communication is reissued at the request of the Permanent Mission of the United States of America to the United Nations.

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20 December 1991

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Forty-sixth session
Agenda item 127
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to circulate herewith the text of a tripartite declaration on terrorism issued by our three Governments on 27 November following the investigaion into the bombings of flights Pan Am 103 and UTA 772.

We should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 127, and of the Security Council.

(Signed) Jean-Bernard P.H.P. MERIMEE
Permanent Representative of France
to the United Nations

(Signed) David HANNAY
Permanent Representative of
the United Kingdom of Great
Britain and Northern Ireland
to the United Nations

(Signed) Thomas R. PICKERING
Permanent Representative of the
United States of America to the
United Nations

ANNEX

Declaration of the United States of America, France and Great Britain on terrorism

The three States reaffirm their complete condemnation of terrorism in all its forms and denounce any complicity of States in terrorism acts. The three States reaffirm their commitment to put an end to terrorism.

They consider that the responsibility of States begins whenever they take part directly in terrorist actions, or indirectly through harbouring, training, providing facilities, arming or providing financial support, or any form of protection, and that they are responsible for their actions before the individual States and the United Nations.

In this connection, following the investigation carried out into the bombings of Pan Am 103 and UTA 772 the three States have presented specific demands to the Libyan authorities related to the judicial procedures that are under way. They require that Libya comply with all these demands, and, in addition, that Libya commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups. Libya must promptly, by concrete actions, prove its renunciation of terrorism.

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